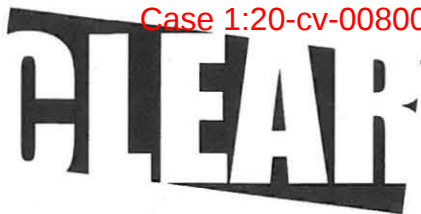


Exhibit C



CREATING
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ENFORCEMENT
ACCOUNTABILITY &
RESPONSIBILITY

Main Street Legal Services, Inc.
CUNY School of Law
2 Court Square
Long Island City, NY 11101-4356
www.cunyclear.org

November 18, 2019

BY OVERNIGHT MAIL

USCIS FOIA/PA Appeals Office
FREEDOM OF INFORMATION ACT APPEAL
P.O. Box 648010
Lee's Summit, MO 64064-8010

**Re: FREEDOM OF INFORMATION ACT APPEAL,
FOIA Control No. NRC2018126559**

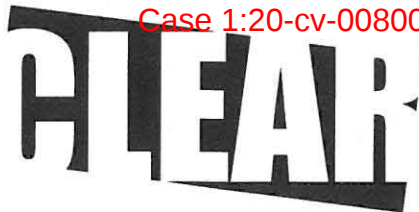
Dear USCIS FOIA Appeals Officer:

We represent Abderrahmane Farhane in connection with the above-referenced Freedom of Information Act ("FOIA") request to United States Citizenship and Immigration Services ("USCIS"). Our request was made over fifteen months ago and has still not been answered. I am writing to insist that USCIS comply with its obligations under the FOIA, 5 U.S.C. § 552, to respond to Mr. Farhane's request in a timely fashion. This letter constitutes an administrative appeal of USCIS's constructive denial of Mr. Farhane's FOIA request.

Factual and Procedural History

On August 8, 2018, we submitted a FOIA request on behalf of Mr. Farhane to USCIS via certified mail (hereinafter, the "Request"). A true and correct copy of the Request is attached as Exhibit A. The Request seeks certain categories of records regarding Mr. Farhane's immigration and citizenship, which are critical to the denaturalization proceedings currently pending against Mr. Farhane in the Eastern District of New York. Specifically, the Request seeks the following information:

1. The A-file pertaining to Mr. Farhane (A040415851);
2. Records or documents relating to Mr. Farhane's N-400 Application for Naturalization;
3. Records and documents in or relating to the results of security checks for Mr. Farhane, including but not limited to the FBI Name Check, the FBI Fingerprint or NCIC Criminal History check, the OBIM and IDENT checks, and TECS/IBIS, AR11, ATS-P Entry/Exit, CIS, CLAIMS 3M/F, CLAIMS 4, CPMS, DOJ-EOIR, DoS-CCD, eCISCOR-C3-LAN, ENFORCE, EOIR, FD258, MFAS, NFTS, TECS-SQ-11, or TECS-SQVS checks;
4. Communications between the Department of Homeland Security – Homeland Security Investigations and USCIS concerning Mr. Farhane from January 1, 2016 to the present;



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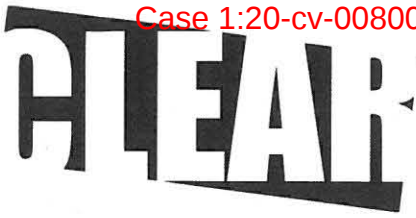
5. Communications between the Federal Bureau of Investigation and USCIS concerning Mr. Farhane from January 1, 2005 to the present;
6. Communications between U.S. Immigration and Customs Enforcement and USCIS concerning Mr. Farhane from January 1, 2005 to the present; and
7. Communications between the Department of Justice and USCIS concerning Mr. Farhane from January 1, 2005 to the present.

On August 24, 2018, USCIS acknowledged receipt¹ of the Request by letter and assigned it control number NRC2018126559. A true and correct copy of USCIS's acknowledgment letter is attached as Exhibit B. In its acknowledgment letter, USCIS invoked a ten-day extension for responding to the Request pursuant to 5 U.S.C. § 552(a)(6)(B). However, USCIS did not provide an estimated date for making its determination about whether to comply with the Request.

Following the instructions in the acknowledgment letter, I tracked the status of the Request through the online USCIS Freedom of Information Act Records SysTem ("FIRST"). Over the past fifteen months, I have noticed that USCIS's processing of Mr. Farhane's Request has proceeded at a rate considerably slower than for other, similar requests I submitted during the same time period. For example, I submitted the request assigned control number NRC2018167590 on November 2, 2018. I received a full response to that request on June 14, 2019. I submitted the request assigned control number NRC2019004735 on January 9, 2019 and received a full response on August 27, 2019. On May 2, 2019, I submitted the request assigned control number NRC2019532154, and I received a full response on June 27, 2019. All three of these requests sought similar categories of records as Mr. Farhane's Request. This pattern indicates that USCIS is not processing Mr. Farhane's Request in an ordinary manner and has failed to provide an explanation for doing so.

In addition, it appears that USCIS has intentionally delayed processing Mr. Farhane's Request. On October 18, 2019, the "FOIA/PA Status Check" webpage in FIRST stated that the Request was in place 120 out of 20,273 pending requests in the queue. Over time, however, and without explanation or justification by USCIS, the Request fell further behind in the queue. On October 21, 2019, the "FOIA/PA Status Check" webpage stated that the Request was in place 121 out of 20,068 pending requests in the queue. Despite the fact that there fewer pending requests on

¹ Tracking services provided by the U.S. Postal Service confirm that USCIS received the Request on August 13, 2018. *See* Exhibit A. Under the FOIA, statutory timelines for responding to requests begin to run on the date of "the receipt of any such request." 5 U.S.C. § 552(a)(6)(A)(i). Nevertheless, this administrative appeal will use the date of USCIS's acknowledgment letter (August 24, 2018) as the effective date of receipt for purposes of calculating relevant statutory deadlines under the FOIA.



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October 21 than on October 18, Mr. Farhane's Request had somehow moved further back in the queue.

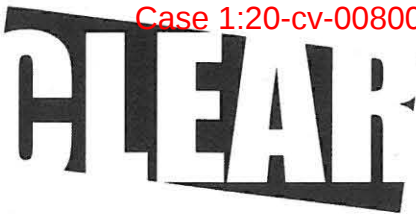
As of the date of this appeal, over fifteen months after we submitted the Request on behalf of Mr. Farhane, USCIS has failed to provide any substantive response—no further communications from USCIS have been received, no determination has been made with respect to the Request, and no responsive records have been produced.

Argument

Under the FOIA, an agency is required to make an initial “determination” with regard to a request within twenty business days of its receipt. 5 U.S.C. § 552(a)(6)(A)(i). In order to make a determination, an agency “must at least: (i) gather and review the documents; (ii) determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents; and (iii) inform the requester that it can appeal whatever portion of the ‘determination’ is adverse.” *Citizens for Responsibility & Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d 180, 188 (D.C. Cir. 2013) (Kavanaugh, J.). The FOIA allows an agency to extend the date by which it may make a determination by no more than “ten working days” in “unusual circumstances,” 5 U.S.C. § 552(a)(6)(B)(i), including “the need for consultation . . . with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein,” *id.* § 552(a)(6)(B)(iii)(III).

USCIS invoked the “unusual circumstances” exception when it acknowledged Mr. Farhane's Request. *See* Exhibit B. Assuming *arguendo* that this exception applies, USCIS was required to respond to the Request by October 9, 2018 at the latest. *See* 5 U.S.C. § 552(a)(6)(B)(i). USCIS, however, did not meet this statutory deadline. In fact, USCIS has failed to make any determination concerning Mr. Farhane's Request in the year or more that has passed since this deadline. USCIS's unexplained and unacceptable failure to respond to the Request within the time period required by the FOIA serves as a constructive denial of the Request, and Mr. Farhane is deemed to have exhausted his administrative remedies. *See id.* § 552(a)(6)(C)(i); *see also* *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 63-64 (D.C. Cir. 1990) (“The ten-day [now twenty-day] constructive exhaustion under 5 U.S.C. § 552(a)(6)(C) allows immediate recourse to the courts to compel the agency's response to a FOIA request.”).

USCIS is in clear violation of several statutory duties under the FOIA. USCIS has not provided an estimated date of making its initial determination on the Request or completing its action on the Request, despite its legal obligations to do so. 5 U.S.C. § 552(a)(6)(B)(i), (7)(B)(ii). USCIS has not communicated the scope of the documents it intends to produce and withhold. *Id.* § 552(a)(6)(A)(i), (6)(F). USCIS has not identified any reasons for delaying prompt production or withholding documents from production. *Id.* § 552(a)(3)(A), (6)(A)(i), (6)(C)(i), (8)(A). Most



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egregiously, USCIS has not produced any documents whatsoever in response to the Request. *Id.* § 552(a)(3)(A), (6)(C)(i).

USCIS's constructive denial of Mr. Farhane's Request has put our client at a significant disadvantage in the denaturalization proceedings currently pending against him in the Eastern District of New York. In my August 8, 2018 letter, I specifically noted that "Mr. Farhane requires expedited processing [of the Request] in order to defend himself in denaturalization proceedings." *See* Exhibit A. The agency's resulting delay of over a year in responding to the Request has deprived Mr. Farhane of a reasonable opportunity to be heard in his denaturalization matter, implicating his due process rights guaranteed by the Fifth Amendment.

Conclusion

By failing to provide a determination with respect to Mr. Farhane's Request within the statutory deadline, USCIS has violated its obligations under the FOIA. On behalf of Mr. Farhane, we respectfully request that you direct USCIS to respond to the Request and this administrative appeal within twenty business days, or no later than December 18, 2019. *See* 5 U.S.C. § 552(a)(6)(A)(ii).

If you have any questions or require any additional information, please contact me directly at (718) 340-4630 or naz.ahmad@law.cuny.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Naz Ahmad".

Naz Ahmad
CLEAR Project; Main Street Legal Services, Inc.
CUNY School of Law

Enclosures:

- Exhibit A: FOIA Request Letter dated August 8, 2018
- Exhibit B: USCIS Acknowledgment Letter dated August 24, 2018

EXHIBIT A



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RESPONSIBILITY

Main Street Legal Services, Inc.
CUNY School of Law
2 Court Square
Long Island City, NY 11101-4356
www.cunyclear.org

VIA Certified Mail

August 8, 2018

U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064

RE: Freedom of Information Act Request

To Whom It May Concern:

This is a request under the Freedom of Information Act and Privacy Act of 1974:

We are legal counsel for Abderrahmane Farhane (**DOB: November 13, 1954; Country of Birth: Morocco**). Pursuant to the Privacy Act of 1974 (5 U.S.C. §552(A)(b)), we have attached the authorization for release of information form.

MATERIALS REQUESTED

We request copies of the following records, documents, data entries, correspondence, reports, memorandums, opinions, written or typed notes, and/or audio recordings (collectively, hereinafter "records") that were created, used or maintained by the United States Citizenship and Immigration Services (USCIS) pertaining to Mr. Farhane (A#040415851). These include but are not limited to:

1. The entire Afile pertaining to Mr. Farhane (A040415851);
2. All records or documents relating to Mr. Farhane's N-400 Application for Naturalization;
3. All records and documents in or relating to the results of security checks for Mr. Farhane, including but not limited to the FBI Name Check, the FBI Fingerprint or NCIC Criminal History check, the OBIM and IDENT checks, and TECS/IBIS, AR11, ATS-P Entry/Exit, CIS, CLAIMS 3M/F, CLAIMS 4, CPMS, DOJ-EOIR, DoS-CCD, eCISCOR-C3-LAN, ENFORCE, EOIR, FD258, MFAS, NFTS, TECS-SQ-11, TECS-SQVS.
4. Any communication between the Department of Homeland Security – Homeland Security Investigations and U.S. Citizenship & Immigration Services concerning Mr. Farhane from January 1, 2016 to the present.
5. Any communication between the Federal Bureau of Investigation and U.S. Citizenship & Immigration Services concerning Mr. Farhane from January 1, 2005 to the present.

6. Any communication between U.S. Immigration and Customs Enforcement and U.S. Citizenship & Immigration Services concerning Mr. Farhane from January 1, 2005 to the present.
7. Any communications between the Department of Justice and U.S. Citizenship & Immigration Services concerning Mr. Farhane from January 1, 2005 to the present.

We request that you search any relevant electronic databases, as well as conduct a hand search of all files containing information pertaining to Mr. Farhane. As FOIA requires, please release all reasonably segregable, non-exempt portions of any responsive documents. 5 U.S.C. § 552(b).

If the records are available electronically, we request that they be provided electronically. Please respond with all applicable documents to:

naz.ahmad@law.cuny.edu

For those records that are not available electronically, please mail them to:

Naz Ahmad
CLEAR – Main Street Legal Services, Inc.
CUNY School of Law
2 Court Square
Long Island City, NY 11101

FEE WAIVER

While this request is subject only to “reasonable duplication charges,” it merits a complete fee waiver because disclosure of the requested information is in the public interest and will likely contribute significantly to public understanding of the operations or activities of the government. 5 U.S.C. § 552(a)(4)(A).

The Creating Law Enforcement Accountability & Responsibility (CLEAR) Project is part of the City University of New York School of Law. The CLEAR Project was created in response to national security and counterterrorism policies and practices affecting Muslim, Arab, and South Asian (MASA) communities in the greater New York City area. The CLEAR project provides for important unmet legal needs of these communities by: providing support to local community-based organizations serving MASA communities, providing Know-Your-Rights workshops on related issues, and providing legal representation and consultation.

Furthermore, a complete fee waiver should be granted for Mr. Farhane’s request. 5 U.S.C. § 552(a)(4)(A)(iii) mandates a fee waiver when the disclosure of the requested information is in the public interest, as opposed to a commercial interest, and will likely contribute significantly to public understanding of the operations or activities of the government. CLEAR will then share this understanding widely with the MASA communities with whom we work, and those interested in law enforcement and civil liberties. *See, e.g., Judicial Watch v.*

Gen. Servs. Admin., No.Civ.A.98-2223, 2000 WL 35538030, at *8, *11 (D.D.C. Sept. 25, 2000); *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Additionally, CLEAR frequently serves as a resource for the news media on these issues due to our active role in the local Muslim-community organizing efforts.

This request is subject only to “reasonable duplication charges” under 5 U.S.C. §552(a)(4)(A)(ii)(II), because the records are not sought for commercial use and they are being requested by “an educational or noncommercial scientific institution whose purpose is scholarly or scientific research.” The CLEAR project is involved in a number of initiatives, including seeking to understand the nature and scope of police policies affecting Muslim and Arab individuals, particularly the difficulties they face in applying for immigration benefits.

If necessary, CLEAR is willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform us before processing the request.

Expedited Processing

We request expedited processing of this request. The Department of Justice has recently sent notice of its intent to seek denaturalization of Mr. Farhane (copy of pre-filing letter attached). Mr. Farhane requires expedited processing in order to defend himself in denaturalization proceedings.

Please contact us at (718) 340-4630 with any questions or concerns. We look forward to receiving your response within the twenty day statutory time period. Thank you.

Sincerely,



Naz Ahmad



Freedom of Information/Privacy Act Request

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form G-639
OMB No. 1615-0102
Expires 04/30/2020

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select **only one** box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. ☒ Freedom of Information Act (FOIA)/Privacy Act (PA)
1.b. ☐ Amendment of Record (PA only)

Part 2. Requestor Information

1. Are you the Subject of Record for this request?
☐ Yes ☐ No

If you answered "No" to Item Number 1., provide the information requested in Part 2. If you answered "Yes" to Item Number 1., skip to Part 3.

Requestor's Full Name

- 2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Requestor's Mailing Address

- 3.a. In Care Of Name (if any)
3.b. Street Number and Name
3.c. ☐ Apt. ☐ Ste. ☐ Flr.
3.d. City or Town
3.e. State 3.f. ZIP Code
3.g. Province
3.h. Postal Code
3.i. Country

Requestor's Contact Information

4. Requestor's Daytime Telephone Number

5. Requestor's Mobile Telephone Number (if any)

6. Requestor's Email Address (if any)

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See Form G-639 Instructions for more information.)

- 7.a. Requestor's Signature
➔
7.b. Date of Signature (mm/dd/yyyy)

Part 3. Description of Records Requested

NOTE: While you are not required to respond to every item in Part 3., failure to provide complete and specific information may delay processing of your request or create an inability for U.S. Citizenship and Immigration Services (USCIS) to locate the records or information requested.

1. **Purpose (Optional):** You are not required to state the purpose of your request. However, providing this information may assist USCIS in locating the records needed to respond to your request.)

Full Name of the Subject of Record

- 2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Part 3. Description of Records Requested
(continued)**Other Names Used by the Subject of Record (if any)**

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information.**

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name

Other Information About the Subject of Record

5. Form I-94 Number Arrival-Departure Record
▶
6. Alien Registration Number (A-Number) (if any)
▶ A-
7. USCIS Online Account Number (if any)
▶
8. Application, Petition, or Request Receipt Number
▶

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information.**

Family Member 1

- 9.a. Family Name (Last Name)
- 9.b. Given Name (First Name)
- 9.c. Middle Name
10. Relationship

Family Member 2

- 11.a. Family Name (Last Name)
- 11.b. Given Name (First Name)
- 11.c. Middle Name
12. Relationship

Parents' Names for the Subject of Record**Father**

- 13.a. Family Name (Last Name)
- 13.b. Given Name (First Name)
- 13.c. Middle Name

Mother

- 14.a. Family Name (Last Name)
- 14.b. Given Name (First Name)
- 14.c. Middle Name
- 14.d. Maiden Name (if applicable)

15. Description of Records Sought.

Provide a description of the records you are seeking. If you need additional space, use the space provided in **Part 5. Additional Information.**

Part 4. Verification of Identity and Subject of Record Consent

NOTE: Complete all applicable **Item Numbers**. In addition, the Subject of Record **MUST** sign **Part 4.** of this request.

Full Name of the Subject of Record

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Part 4. Verification of Identity and Subject of Record Consent (continued)**Mailing Address for the Subject of Record**

- 2.a. In Care Of Name (if any)
- 2.b. Street Number and Name
- 2.c. ☒ Apt. ☐ Ste. ☐ Flr.
- 2.d. City or Town
- 2.e. State 2.f. ZIP Code
- 2.g. Province
- 2.h. Postal Code
- 2.i. Country

Other Information for the Subject of Record

3. Date of Birth (mm/dd/yyyy)
4. Country of Birth

Contact Information for the Subject of Record

Providing this information is optional.

5. Daytime Telephone Number
6. Mobile Telephone Number (if any)
7. Email Address (if any)

Signature and Notarized Affidavit or Declaration of the Subject of RecordSelect **only one** box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. Notarized Affidavit of Identity OR Item Number 8.b. Declaration Under Penalty of Perjury**. If the Subject of Record is deceased, read **Item Number 8.c. Deceased Subject of Record** and attach proof of death.

8.a. ☐ Notarized Affidavit of Identity

(Do **NOT** sign and date below until the notary public provides instructions to you.)

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25 (if filing this request for myself).

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this _____

day of _____ in the year _____

Daytime Telephone Number _____

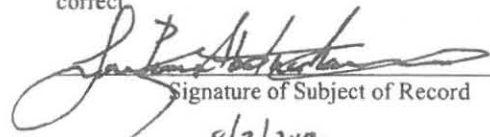
Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. ☐ Declaration Under Penalty of Perjury

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25 (if filing this request for myself).

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.


Signature of Subject of Record
8/3/2018
Date of Signature (mm/dd/yyyy)

8.c. Deceased Subject of Record

(NOTE: You **MUST** attach an obituary, death certificate, or other proof of death.)



U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section

July 23, 2018

VIA OVERNIGHT FEDERAL EXPRESS

Abderrahmane Farhane
1834 W. 13th Street, Apt. 2
Brooklyn, NY 11223

Abderrahmane Farhane
273 20th Street, Apt. 1R
Brooklyn, NY 11215

SUBJECT: Pre-Filing Notice of Complaint / Revocation of Naturalization
Abdulrahman Farhane (A040-415-851)

Dear Mr. Farhane:

You are hereby notified that the United States Department of Justice plans to bring a civil action against you in federal court under the Immigration and Nationality Act to revoke your United States citizenship pursuant to 8 U.S.C. § 1451(a)

The government has evidence that you (1) illegally procured your naturalization, and (2) procured your naturalization by willfully misrepresenting or concealing material facts in your naturalization proceedings. Specifically, from at least on or about November 2001 and continuing through your naturalization as a U.S. citizen on April 19, 2002, you conspired to transfer money from the United States to locations overseas to purchase weapons and communications equipment for jihadists in Afghanistan and Chechnya, in violation of 18 U.S.C. § 1956(a)(2)(A). During your naturalization proceedings, you stated that you had never knowingly committed any crime for which you had not been arrested. Nevertheless, in 2006, after you naturalized, you admitted and pleaded guilty to the foregoing crime.

Based on the foregoing facts, you illegally procured your naturalization because you committed unlawful acts prior to your naturalization, which adversely reflected upon your good moral character. See 8 U.S.C. §§ 1427(a)(3); 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10. Indeed, you pleaded guilty to, and were convicted of, committing the offense of conspiracy to commit money laundering, in violation of 18 U.S.C. § 371. See *United States v. Abdulrahman Farhane*, No. 05-cr-673 (S.D.N.Y.). Moreover, you also lacked the requisite good moral character because you provided false testimony during your naturalization interview, to wit: you did not disclose that from at least in or about November 2001, you had participated in a conspiracy to send money from

the United States to a location outside of the United States, intending the money to be used to purchase weapons and equipment for jihadists fighting in Afghanistan and Chechnya, in violation of 18 U.S.C. § 371. You were therefore ineligible to naturalize. In addition, you willfully misrepresented or concealed material facts throughout the naturalization process, in particular misrepresenting and concealing your criminal participation in a conspiracy.

Under Executive Order 12988 on Civil Justice Reform, 61 Fed. Reg. 4729 (Feb. 5, 1996), we are contacting you to explore the possibility of settlement prior to initiating litigation. Accordingly, we would like to extend to you the opportunity to settle this matter now to save you and the federal government the burden and expense of litigation. Any settlement must include, at a minimum, your relinquishment of United States citizenship.

You are strongly encouraged to obtain legal counsel. If you are currently represented, and you are interested in attempting to settle this matter before we file a lawsuit in federal court, please have your attorney contact us to discuss this matter. If you are not currently represented, you may only contact us in writing to indicate your interest in exploring settlement. To be clear, all communications should be in writing unless and until you obtain legal counsel.

We seek to complete settlement negotiations within 14 days from the date you receive this letter. If any settlement negotiations are not completed by August 8, 2018, the government intends to promptly file this denaturalization action. Further, if you or your attorney fail to contact the undersigned by the above date, we will assume that you are not interested in a pre-filing settlement and we will initiate denaturalization proceedings in federal court as described above.

Sincerely,

DATED: July 24, 2018

By: 

ANTHONY D. BIANCO
Senior Litigation Counsel
District Court Section
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-8014
E-mail: anthony.d.bianco@usdoj.gov

Counsel for the United States

EXHIBIT B

U.S. Department of Homeland Security
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

August 24, 2018

NRC2018126559

Naz Ahmad
Main Street Legal Services
2 Court Square
Long Island City, NY 11101

Dear Naz Ahmad:

Don't waste time waiting for the US Postal Service to deliver the information you requested. Go online, create an account, and receive the information electronically! Read the attached yellow flyer for more details.

We received your request for information relating to Abderrahmane Farhane on August 24, 2018.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: NRC2018126559. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the complex track (Track 2). You may wish to narrow your request to a specific document in order to be eligible for the faster track. To do so, please send a written request, identifying the specific document sought, to the address above. We will notify you if your request is placed in the simple track.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

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This office now offers an online delivery option. If you would like to receive the requested records online, you will need to register this request at <https://first.uscis.gov>. If you do not already have a MyUSCIS account you will be prompted to create one. Once logged on, click the "Register Request" link where you will be asked to enter your control number NRC2018126559 and the following six digit PIN: 200424. If you do not wish to take advantage of this option, we will be providing your records on a Compact Disc (CD) for use on your personal computer. To request your responsive records on paper, please include your control number and write to the above address Attention: FOIA/PA Officer, or fax them to (816) 350-5785.

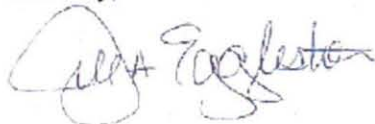
USCIS no longer collects Social Security Numbers in connection with FOIA or PA requests. When forwarding to us any documents related to your request, please ensure any Social Security Numbers on the documents are blanked out or removed.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

You may check the status of your FOIA request online, at www.uscis.gov/FOIA. Click the "Check Status of Request" button in the middle of the web page or "FOIA Request Status Check & Average Processing Times" on the left side under "Freedom of Information and Privacy Act (FOIA)." Then click "FOIA Check Status of Request" at the bottom of the page and follow the instructions given. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at 1-800-375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the Control Number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, emailed to USCIS.FOIA@uscis.dhs.gov, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related questions to our email address at FOIAPAQuestions@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

NAZ AHMAD, ESQ.

Main Street Legal Services Inc.

CUNY SCHOOL OF LAW

2 Court Square, Long Island City, New York 11101-4356

USCIS FOIA/PA Appeals Office
FREEDOM OF INFORMATION ACT APPEAL
P.O. Box 648010
Lee's Summit, MO 64064-8010



Law in the Service of Human Needs

CUNY SCHOOL OF LAW 17183404391 2 COURT SQ LONG ISLAND CITY NY 11101		0.0 LBS LTR	1 OF 1
SHIP TO: USCIS FOIA/PA APPEALS OFFICE FREEDOM OF INFORMATION ACT APPEAL P.O. BOX 648010 LEES SUMMIT MO 64064-8010			
	KS 662 9-62 		
UPS NEXT DAY AIR TRACKING #: 1Z 6AX 168 01 3525 4046		1	
			
BILLING: P/P			
Reference #1: Naz Ahmad, Esq.			
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